



GOV. MSG. NO. 1252

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 27, 2022

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty-First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty-First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 27, 2022, the following bill was signed into law:

HB1640 HD2 SD1 CD1

RELATING TO RECYCLING.
ACT 151

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

Approved by the Governor

on JUN 27 2022
HOUSE OF REPRESENTATIVES
THIRTY-FIRST LEGISLATURE, 2022
STATE OF HAWAII

ACT 151
H.B. NO. 1640
H.D. 2
S.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO RECYCLING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 339D, Hawaii Revised Statutes, is
2 amended by adding seven new sections to part IV to be
3 appropriately designated and to read as follows:

4 "S339D-A Manufacturer recycling goals. (a) The
5 department shall use the best available information to establish
6 the weight of all electronic devices sold in the State,
7 including the reports submitted pursuant to section 339D-C,
8 state and national sales data, and other reliable commercially
9 available, supplemental sources of information.

10 (b) No later than October 1, 2022, and annually
11 thereafter, the department shall notify each manufacturer of its
12 recycling obligation pursuant to subsection (c).

13 (c) Each manufacturer shall collect and recycle electronic
14 devices according to the following:

15 (1) Beginning January 1, 2023, the equivalent of fifty per
16 cent, by weight, of the manufacturer's electronic



1 devices sold in the State two years prior, unless
2 amended by rule pursuant to chapter 91;
3 (2) Beginning January 1, 2024, the equivalent of sixty per
4 cent, by weight, of the manufacturer's electronic
5 devices sold in the State two years prior, unless
6 amended by rule pursuant to chapter 91; and
7 (3) Beginning January 1, 2025, the equivalent of seventy
8 per cent, by weight, of the manufacturer's electronic
9 devices sold in the State two years prior, unless
10 amended by rule pursuant to chapter 91.
11 (d) A manufacturer may collect any electronic device to
12 meet its recycling goal.
13 (e) A manufacturer may consider reused electronic devices
14 toward achieving its recycling goals.
15 **§339D-B Record keeping requirements.** (a) Each
16 manufacturer shall maintain records, for a minimum of five
17 years, of the following:
18 (1) The amount, in weight, of its annual sales of
19 electronic devices sold in the State;
20 (2) The number of electronic devices it has collected for
21 recycling or reuse, by county; and



1 (3) The number of electronic devices recycled or reused by
2 each collector and recycler on behalf of the
3 manufacturer.

4 (b) Nothing in this section is intended to exempt any
5 person from liability that the person would otherwise have under
6 applicable law.

7 **§339D-C Manufacturer reporting requirements.** (a) By
8 August 1, 2022, and annually thereafter, each manufacturer shall
9 report to the department its sales, by weight, of the
10 manufacturer's electronic devices sold in the State in the
11 previous calendar year, categorized by electronic device type.

12 (b) If the manufacturer is unable to provide accurate
13 sales data, the manufacturer shall explain why the data cannot
14 be provided and shall instead report an estimate of its sales
15 data and provide an explanation of the methods used to derive
16 the estimate.

17 (c) By March 31, 2023, and annually thereafter, each
18 manufacturer shall report to the department the total weight of
19 all electronic devices recycled or reused, by county, in the
20 previous calendar year. Reports shall be submitted on forms
21 prescribed by the department.



1 §339D-D Collector registration. (a) By January 1, 2023,
2 each collector shall register with the department, using forms
3 prescribed by the department, and pay to the department a
4 registration fee of \$250. Thereafter, if a collector has not
5 previously registered with the department, the collector shall
6 register with the department prior to accepting electronic
7 devices. A registration shall be valid until December 31 of
8 each year.

9 (b) By January 1 of each year, each collector shall submit
10 an annual renewal of its registration with the payment of a
11 registration fee of \$250.

12 §339D-E Collector record keeping requirements. Each
13 collector shall maintain records for a minimum of five years of
14 the following:

- 15 (1) The amount, in weight, of electronic devices it has
16 collected for recycling and reuse and the amounts sent
17 for recycling and reuse; and
18 (2) Bills of lading or weight tickets for all electronic
19 devices sent for recycling or reuse.

20 §339D-F Collector reporting requirements. By March 31,
21 2024, and annually thereafter, each collector shall report to



1 the department the weight of all electronic devices collected
2 for recycling or reuse in the previous year. Reports shall be
3 submitted on forms prescribed by the department and shall
4 indicate the weight of electronic devices sent to each recycler
5 and the number of electronic devices that were reused.

6 §339D-G Collector responsibility. Each collector shall
7 possess and maintain all necessary business and environmental
8 permits."

9 SECTION 2. Chapter 339D, Hawaii Revised Statutes, is
10 amended by amending its title to read as follows:

11 "ELECTRONIC [~~WASTE AND TELEVISION~~] DEVICE RECYCLING AND RECOVERY
12 ACT"

13 SECTION 3. Section 339D-1, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§339D-1 Definitions. As used in this chapter:

16 "Brand" means a symbol, word, or mark that identifies [~~a~~
17 ~~covered~~] an electronic device [~~or a covered television~~], rather
18 than any of its components.

19 [~~"Covered electronic device":~~



- 1 ~~(1) Means a computer, computer printer, computer monitor,~~
- 2 ~~or portable computer with a screen size greater than~~
- 3 ~~four inches measured diagonally; and~~
- 4 ~~(2) Shall not include:~~
- 5 ~~(A) A covered electronic device that is a part of a~~
- 6 ~~motor vehicle or any component part of a motor~~
- 7 ~~vehicle assembled by or for a motor vehicle~~
- 8 ~~manufacturer or franchised dealer, including~~
- 9 ~~replacement parts for use in a motor vehicle;~~
- 10 ~~(B) A covered electronic device that is functionally~~
- 11 ~~or physically required as a part of a larger~~
- 12 ~~piece of equipment designed and intended for use~~
- 13 ~~in an industrial, commercial, or medical setting,~~
- 14 ~~including diagnostic, monitoring, or control~~
- 15 ~~equipment;~~
- 16 ~~(C) A covered electronic device that is contained~~
- 17 ~~within a clothes washer, clothes dryer,~~
- 18 ~~refrigerator, refrigerator and freezer, microwave~~
- 19 ~~oven, conventional oven or range, dishwasher,~~
- 20 ~~room air conditioner, dehumidifier, or air~~
- 21 ~~purifier; or~~



1 ~~(D) A telephone of any type.~~

2 ~~"Covered entity" means any household, government entity,~~
3 ~~business, or nonprofit organization exempt from taxation under~~
4 ~~section 501(c)(3) of the United States Internal Revenue Code,~~
5 ~~regardless of size or place of operation within the State.~~

6 ~~"Covered television":~~

7 ~~(1) Means any device that is capable of receiving~~
8 ~~broadcast, cable, or satellite signals and displaying~~
9 ~~television or video programming, including without~~
10 ~~limitation any direct view or projection television~~
11 ~~with a viewable screen of nine inches or larger with~~
12 ~~display technology based on cathode ray tube, plasma,~~
13 ~~liquid crystal, digital light processing, liquid~~
14 ~~crystal on silicon, silicon crystal reflective~~
15 ~~display, light emitting diode, or similar technology~~
16 ~~marketed and intended for use by a household;~~

17 ~~(2) Shall not include:~~

18 ~~(A) A computer, computer printer, computer monitor,~~
19 ~~or portable computer;~~

20 ~~(B) A television that is a part of a motor vehicle or~~
21 ~~any component part of a motor vehicle assembled~~



1 ~~by or for a vehicle manufacturer or franchised~~
2 ~~dealer, including replacement parts for use in a~~
3 ~~motor vehicle;~~

4 ~~(C) A television that is functionally or physically~~
5 ~~required as a part of a larger piece of equipment~~
6 ~~designed and intended for use in an industrial,~~
7 ~~commercial, or medical setting, including~~
8 ~~diagnostic, monitoring, or control equipment;~~

9 ~~(D) A telephone of any type, including a mobile~~
10 ~~telephone; or~~

11 ~~(E) A global positioning system.]~~

12 "Collector" means a person that accepts electronic devices
13 for reuse or delivers the devices to a recycler for the purposes
14 of this chapter.

15 "Department" means the department of health.

16 [~~"Electronic device manufacturer":~~

17 ~~(1) Means any existing person:~~

18 ~~(A) Who manufactures or manufactured covered~~
19 ~~electronic devices under a brand that it owns or~~
20 ~~owned or is or was licensed to use, other than a~~
21 ~~license to manufacture covered electronic devices~~



1 ~~for delivery exclusively to or at the order of~~
2 ~~the licensor;~~
3 ~~(B) Who sells or sold covered electronic devices~~
4 ~~manufactured by others under a brand that the~~
5 ~~seller owns or owned or is or was licensed to~~
6 ~~use, other than a license to manufacture covered~~
7 ~~electronic devices for delivery exclusively to or~~
8 ~~at the order of the licensor;~~
9 ~~(C) Who manufactures or manufactured covered~~
10 ~~electronic devices without affixing a brand;~~
11 ~~(D) Who manufactures or manufactured covered~~
12 ~~electronic devices to which it affixes or affixed~~
13 ~~a brand that it neither owns or owned nor is or~~
14 ~~was licensed to use; or~~
15 ~~(E) For whose account covered electronic devices~~
16 ~~manufactured outside the United States are or~~
17 ~~were imported into the United States; provided~~
18 ~~that if at the time those covered electronic~~
19 ~~devices are or were imported into the United~~
20 ~~States and another person has registered as the~~
21 ~~manufacturer of the brand of the covered~~



1 ~~electronic devices, this paragraph shall not~~
2 ~~apply;~~

3 ~~(2) Shall not include persons who manufacture no more than~~
4 ~~one hundred computers per year.~~

5 ~~"Household" means any occupant of a single detached~~
6 ~~dwelling unit or of a single unit of a multiple dwelling unit~~
7 ~~who has used a covered electronic device or covered television~~
8 ~~at a dwelling unit primarily for personal or home business use.~~

9 ~~"Market share":~~

10 ~~(1) Means the calculation of a television manufacturer's~~
11 ~~prior year's sales of televisions divided by all~~
12 ~~manufacturers' prior year's sales for all televisions,~~
13 ~~as determined by the department;~~

14 ~~(2) May be expressed as a percentage, a fraction, or a~~
15 ~~decimal fraction.~~

16 ~~"New covered electronic device" means a covered electronic~~
17 ~~device that is manufactured after the effective date of this~~
18 ~~chapter.]~~

19 "Electronic device":

20 (1) Means:



- 1 (A) A computer, computer printer, computer monitor,
2 or portable computer with a screen size greater
3 than four inches measured diagonally; and
- 4 (B) Any device that is capable of receiving
5 broadcast, cable, or satellite signals and
6 displaying television or video programing,
7 including any direct view or projection
8 television with a viewable screen of nine inches
9 or larger with display technology based on
10 cathode ray tube, plasma, liquid crystal, digital
11 light processing, liquid crystal on silicon,
12 silicon crystal reflective display, light
13 emitting diode, or similar technology; and
- 14 (2) Shall not include:
- 15 (A) An electronic device that is a part of a motor
16 vehicle or any component part of a motor vehicle
17 assembled by or for a motor vehicle manufacturer
18 or franchised dealer, including replacement parts
19 for use in a motor vehicle;
- 20 (B) An electronic device that is functionally or
21 physically required as a part of a larger piece



1 of equipment designed and intended for use in an
2 industrial, commercial, or medical setting,
3 including diagnostic, monitoring, or control
4 equipment;

5 (C) An electronic device that is contained within a
6 clothes washer, clothes dryer, refrigerator,
7 refrigerator and freezer, microwave oven,
8 conventional oven or range, dishwasher, room air
9 conditioner, dehumidifier, or air purifier;

10 (D) A telephone of any type including a mobile
11 telephone; or

12 (E) A global positioning system.

13 "Manufacturer":

14 (1) Means any person:

15 (A) Who manufactures or manufactured electronic
16 devices under a brand that it owns or owned or is
17 or was licensed to use, other than a license to
18 manufacture electronic devices for delivery
19 exclusively to or at the order of the licensor;

20 (B) Who sells or sold electronic devices manufactured
21 by others under a brand that the seller owns or



1 owned or is or was licensed to use, other than a
2 license to manufacture electronic devices for
3 delivery exclusively to or at the order of the
4 licensor;

5 (C) Who manufactures or manufactured electronic
6 devices without affixing a brand;

7 (D) Who manufactures or manufactured electronic
8 devices to which it affixes or affixed a brand
9 that it neither owns or owned nor is or was
10 licensed to use; or

11 (E) For whose account electronic devices manufactured
12 outside the United States are or were imported
13 into the United States; provided that if at the
14 time those electronic devices are or were
15 imported into the United States and another
16 person has registered as the manufacturer of the
17 brand of the electronic devices, this
18 subparagraph shall not apply; and

19 (2) Shall not include persons who sold fewer than one
20 hundred electronic devices in the State during the
21 previous calendar year.



1 "Person" means any individual, business, partnership,
2 limited liability company, corporation, not-for-profit
3 organization, association, government entity, public benefit
4 corporation, or public authority.

5 ~~["Program year" means a full calendar year beginning on or~~
6 ~~after January 1, 2010, and each calendar year thereafter~~
7 ~~beginning on January 1.~~

8 ~~"Recover" means to reuse or recycle.]~~

9 "Recycler" means any person who engages in the recycling of
10 electronic devices for the purposes of this chapter.

11 "Recycling" means processing [+], including disassembling,
12 dismantling, or shredding[-covered], electronic devices [~~or~~
13 ~~covered televisions~~] or their components to recover a useable
14 product[-; provided that "recycling" does not include any process
15 defined as incineration under applicable laws and rules].

16 "Retailer" means any person who offers [~~covered~~] electronic
17 devices [~~or covered televisions~~] for sale, other than for resale
18 by the purchaser, through any means, including sales outlets,
19 catalogs, or the Internet.



1 "Reuse" means any operation by which an electronic device
2 changes ownership and is used for the same purpose for which it
3 was originally purchased.

4 "Sell" or "sale" means any transfer for consideration of
5 title, including transactions conducted through sales outlets,
6 catalogs, or the Internet, but excluding leases.

7 ~~["Television manufacturer" means a person who:~~

- 8 ~~(1) Manufactures for sale in the State a covered~~
9 ~~television under a brand that it licenses or owns;~~
- 10 ~~(2) Manufactures for sale in the State covered televisions~~
11 ~~without affixing a brand;~~
- 12 ~~(3) Resells into the State a covered television~~
13 ~~manufactured by others under a brand that the seller~~
14 ~~owns or is licensed to use;~~
- 15 ~~(4) Imports into the United States or exports from the~~
16 ~~United States a covered television for sale in the~~
17 ~~State;~~
- 18 ~~(5) Sells at retail a covered television acquired from an~~
19 ~~importer described in paragraph (4), and elects to~~
20 ~~register as the manufacturer for those products;~~



1 ~~(6) Manufactures covered televisions and supplies them to~~
2 ~~any person or persons within a distribution network~~
3 ~~that includes wholesalers or retailers in this State,~~
4 ~~or~~

5 ~~(7) Assumes the responsibilities and obligations of a~~
6 ~~television manufacturer under this chapter.~~

7 ~~In the event the television manufacturer is one who~~
8 ~~manufactures, sells, or resells covered televisions under a~~
9 ~~brand for which it has obtained the license, then the licensor~~
10 ~~or brand owner of the brand shall not be included in the~~
11 ~~definition of television manufacturer under paragraph (1) or~~
12 ~~(3).]~~"

13 SECTION 4. Section 339D-7.5, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "[+]§339D-7.5[+] **Manufacturer and agent responsibilities;**
16 **regulatory compliance.** Each [electronic device manufacturer and
17 television] manufacturer shall be responsible for ensuring that
18 the manufacturer and its agents follow all federal, state, and
19 local regulations when collecting, transporting, and recycling
20 [covered] electronic devices [or covered televisions], and adopt



1 environmentally sound recycling practices for the [covered]
2 electronic devices [~~or covered televisions~~]."

3 SECTION 5. Section 339D-8, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By amending subsections (a) to (d) to read:

6 "(a) The department may conduct audits and inspections to
7 determine compliance under this chapter. Except as provided in
8 subsection (c), the department and the attorney general shall be
9 empowered to enforce this chapter and take necessary action
10 against any [~~electronic device or television~~] manufacturer or
11 retailer for failure to comply with this chapter or rules
12 adopted thereunder.

13 (b) The attorney general may file suit in the name of the
14 State to enjoin an activity related to the sale of [covered]
15 electronic devices [~~or covered televisions~~] in violation of this
16 chapter.

17 (c) The department shall issue a warning notice to a
18 person for the person's first violation of this chapter. The
19 person shall comply with this chapter within sixty days of the
20 date the warning notice was issued or be subject to the
21 penalties provided by law or rule, including[7] but not limited



1 to~~[7]~~ penalties set forth in subsections (d) through (g). A
2 retailer that receives a warning notice from the department for
3 a violation of section ~~[339D-3(a) or]~~ 339D-24(a) shall submit
4 proof to the department, within sixty days from the date the
5 warning notice was issued, that its inventory of ~~[covered]~~
6 electronic devices ~~[or covered televisions]~~ offered for sale is
7 in compliance with this chapter.

8 (d) Any retailer who sells or offers for sale an unlabeled
9 electronic device ~~[or unlabeled covered television]~~ in violation
10 of section ~~[339D-3 or]~~ 339D-24, ~~[respectively,]~~ or any
11 ~~[electronic device or television]~~ manufacturer that fails to
12 comply with any provision of section ~~[339D-4 or]~~ 339D-23~~[,~~
13 ~~respectively,]~~ may be assessed a penalty of up to \$10,000 for
14 the first violation and up to \$25,000 for the second and each
15 subsequent violation, in addition to any additional penalties
16 required or imposed pursuant to this chapter."

17 2. By amending subsection (g) to read:

18 "(g) If a ~~[covered television]~~ manufacturer fails to
19 ~~[recycle its market share allocation,]~~ meet its recycling goals
20 pursuant to section 339D-A(c), the department shall impose a



1 penalty of [~~50 cents~~] \$1.50 per pound for each pound not
2 recycled."

3 SECTION 6. Section 339D-9, Hawaii Revised Statutes, is
4 amended by amending subsection (b) to read as follows:

5 "(b) Notwithstanding subsection (a), the department shall
6 not have the authority to assess any fees, including an advanced
7 recycling fee, registration fee, or other fee, on consumers,
8 [~~television~~] manufacturers, or retailers for recovery of
9 [~~covered televisions~~] electronic devices except those noted in
10 [~~sections 339D-4 and~~] section 339D-22."

11 SECTION 7. Section 339D-11, Hawaii Revised Statutes, is
12 amended by amending subsection (b) to read as follows:

13 "(b) The department shall compile the information
14 submitted by [~~covered television~~] manufacturers and issue a
15 report to the legislature no later than April 1, 2012, and
16 annually each year thereafter."

17 SECTION 8. Section 339D-12, Hawaii Revised Statutes, is
18 amended to read as follows:

19 "**\$339D-12 Federal preemption.** [~~(a) Part II of this~~
20 ~~chapter shall be deemed repealed if a federal law or a~~
21 ~~combination of federal laws takes effect that establishes a~~



1 ~~national program for the collection and recycling of covered~~
2 ~~electronic devices that substantially meets the intent of part~~
3 ~~II of this chapter, including the creation of a financing~~
4 ~~mechanism for collection, transportation, and recycling of all~~
5 ~~covered electronic devices from covered entities in the United~~
6 ~~States.~~

7 ~~(b)~~ ~~{}~~Part IV~~}~~ of this chapter shall be deemed repealed
8 if a federal law or a combination of federal laws takes effect
9 that establishes a national program for the recycling of
10 ~~[covered televisions]~~ electronic devices that substantially
11 meets the intent of ~~{}~~part IV~~}~~ of this chapter."

12 SECTION 9. Chapter 339D, part IV, Hawaii Revised Statutes,
13 is amended by amending its title to read as follows:

14 "~~{}~~PART IV. ~~{}~~~~TELEVISION]~~ ELECTRONIC DEVICE RECYCLING
15 AND RECOVERY SYSTEM"

16 SECTION 10. Section 339D-21, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "~~{}~~~~§339D-21~~~~}~~ **Applicability.** The recycling provisions
19 of this part shall apply only to ~~[covered televisions]~~
20 electronic devices used and discarded in ~~[this]~~ the State ~~[by a~~
21 ~~covered entity]~~."



1 SECTION 11. Section 339D-22, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~[+]§339D-22[-]~~ ~~Television manufacturers.~~ Manufacturers.

4 (a) No ~~[television]~~ manufacturer shall sell or offer for sale
5 any new ~~[covered television]~~ electronic device in ~~[this]~~ the
6 State unless:

7 (1) The ~~[covered television]~~ electronic device is labeled
8 with a brand, whether licensed or owned, and the label
9 is permanently affixed; and

10 (2) The brand is included in a registration that is filed
11 with the department and that is effective pursuant to
12 subsection (b).

13 (b) By January 1, ~~[2010,]~~ 2023, before selling or offering
14 for sale any ~~[covered television]~~ electronic device in the
15 State, each ~~[television]~~ manufacturer shall register with the
16 department and pay to the department a registration fee of
17 ~~[\$2,500.]~~ \$5,000. Thereafter, if a ~~[television]~~ manufacturer
18 has not previously registered, the ~~[television]~~ manufacturer
19 shall register with the department prior to any offer for sale
20 for delivery in ~~[this]~~ the State of the ~~[television]~~
21 manufacturer's new ~~[covered televisions.]~~ electronic device.



1 (c) Each [~~television~~] manufacturer who is registered shall
2 submit an annual renewal of its registration and payment of a
3 registration fee of [~~\$2,500~~] \$5,000 to the department by January
4 1 of each [~~program~~] year.

5 (d) The registration and each renewal shall include a list
6 of all of the [~~television~~] manufacturer's brands of [~~covered~~
7 ~~televisions~~] electronic devices and shall be effective on the
8 second day of the succeeding month after receipt by the
9 department of the registration or renewal.

10 (e) A [~~television~~] manufacturer shall provide the
11 department with contact information for the [~~television~~]
12 manufacturer's designated agent or employee whom the department
13 may contact for information on the [~~television~~] manufacturer's
14 compliance with the requirements of this section."

15 SECTION 12. Section 339D-23, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "[~~§~~339D-23[~~]—~~ ~~Television manufacturer~~] Manufacturer
18 responsibility. (a) Beginning January 1, [~~2011,~~] 2023, a
19 [~~television~~] manufacturer shall recycle or arrange for the
20 recycling or reuse of any [~~covered television~~] electronic device
21 sold in the State. Manufacturers shall fully fund their



1 recycling plan, including the collection, transportation, and
2 recycling of all electronic devices in the State.

3 (b) By [~~June 1, 2010,~~] September 1, 2022, and annually
4 thereafter, each [~~television~~] manufacturer shall submit a plan
5 to the department to establish, conduct, and manage a program
6 for the recycling of [~~covered televisions~~] electronic devices
7 sold in the State, which shall be subject to the following
8 conditions:

9 (1) The plan shall not permit the charging of a fee at the
10 point of [~~recycling~~] collection if the [~~covered~~
11 ~~television~~] electronic device is brought by the
12 [~~covered television~~] electronic device owner to a
13 central location for recycling; provided that the plan
14 may include a reasonable transportation fee if the
15 [~~television~~] manufacturer or [~~television~~]
16 manufacturer's agent removes the [~~covered~~] electronic
17 device from the owner's premises at the owner's
18 request and if the removal is not in conjunction with
19 delivery of a new [~~television~~] electronic device to
20 the owner; [~~and~~



1 ~~(2) Each television manufacturer may develop its own~~
2 ~~recycling program or may collaborate with other~~
3 ~~television manufacturers, so long as the program is~~
4 ~~implemented and fully operational no later than~~
5 ~~January 1, 2011.]~~

6 (2) The plan shall include a description of the methods
7 for the convenient collection of electronic devices at
8 no cost to the owner, except as provided in paragraph
9 (1). The recycling plan shall provide for collection
10 services of electronic devices in each county and zip
11 code tabulation area, as defined by the United States
12 Census Bureau, with a population greater than twenty-
13 five thousand. The recycling plan shall include at
14 least one of the following:

- 15 (A) Staffed drop-off sites;
- 16 (B) Alternative collection services, including on-
17 site pick-up services; or
- 18 (C) Collection events held at an easily accessible,
19 central location;

20 (3) The plan shall provide collection services at a
21 minimum of once per month;



- 1 (4) The plan shall not contain only a mail-back option;
- 2 (5) The plan shall specify the use of only collectors
- 3 registered with the State pursuant to section 339D-D;
- 4 and
- 5 (6) The plan shall specify the use of recyclers that have
- 6 achieved and maintained third-party accredited
- 7 certification from the Responsible Recycling Standard
- 8 for Electronics Recyclers (R2), Standard for
- 9 Responsible Recycling and Reuse of Electronic
- 10 Equipment (e-Stewards), or an internationally
- 11 accredited third-party environmental management
- 12 standard for the safe and responsible handling of
- 13 electronic devices.

14 (c) The department shall review each [~~television~~]
15 manufacturer's plan and, within sixty days of receipt of the
16 plan, determine whether the plan complies with this part. If
17 the plan is approved, the department shall notify the
18 [~~television~~] manufacturer or group of [~~television~~]
19 manufacturers. If the plan is rejected, the department shall
20 notify the [~~television~~] manufacturer or group of [~~television~~]
21 manufacturers and provide the reasons for the plan's rejection.

1 Within thirty days after receipt of the department's rejection,
2 the [~~television~~] manufacturer or group of [~~television~~]
3 manufacturers may revise and resubmit the plan to the department
4 for approval.

5 (d) [~~No later than January 31, 2012, and each year~~
6 ~~thereafter, each television manufacturer shall report to the~~
7 ~~department the total weight of covered televisions that the~~
8 ~~television manufacturer collected in the State and recycled~~
9 ~~during the previous year.] Each manufacturer may develop its own
10 recycling plan or may collaborate with other manufacturers;
11 provided that the plan is implemented and fully operational by
12 January 1, 2023.~~

13 (e) The obligations under this chapter for a manufacturer
14 that manufactures or manufactured electronic devices, or who
15 sells or sold electronic devices manufactured by others, under a
16 brand that was previously used by a different person in the
17 manufacture of electronic devices, shall extend to all
18 electronic devices bearing that brand."

19 SECTION 13. Section 339D-24, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "~~+~~\$339D-24~~+~~ **Retailer responsibility.** (a) Beginning
2 January 1, ~~[2011,]~~ 2023, no retailer shall sell or offer to sell
3 any ~~[covered television]~~ electronic device in ~~[this]~~ the State
4 unless a visible, permanent label clearly identifying the
5 manufacturer of that device is affixed to the equipment and the
6 ~~[television]~~ manufacturer has registered with the State.

7 (b) Beginning January 1, ~~[2011,]~~ 2023, retailers shall
8 make available to their customers information on collection
9 services for discarded ~~[televisions]~~ electronic devices in the
10 State and shall include the department's website address and
11 toll-free telephone number. Remote retailers may include this
12 information in a visible location on their website to fulfill
13 this requirement.

14 (c) Retailers shall not be liable in any way for
15 electronic data or other information that a consumer may have
16 stored on ~~[a covered television]~~ an electronic device that is
17 recovered or recycled."

18 SECTION 14. Section 339D-25, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "~~+~~\$339D-25~~+~~ ~~Television]~~ Electronic device recovery
21 system[-]; consumer education. ~~[(a) The department shall use~~



1 ~~state-specific television sales data or national television~~
2 ~~sales data available from commercially available analytical~~
3 ~~sources to determine each television manufacturer's recycling~~
4 ~~responsibilities for covered televisions based upon the~~
5 ~~television manufacturer's market share. If the department uses~~
6 ~~national sales data, the department shall extrapolate data for~~
7 ~~the State from national data on the basis of the State's share~~
8 ~~of the national population. The department shall seek to~~
9 ~~establish the most accurate determination of each [television]~~
10 ~~manufacturer's market share and may rely on supplemental sources~~
11 ~~of information to achieve this goal.~~

12 ~~(b) No later than March 15, 2012, and annually thereafter,~~
13 ~~the department shall notify each television manufacturer of its~~
14 ~~recycling obligation. Each television manufacturer's obligation~~
15 ~~shall be based on that television manufacturer's market share~~
16 ~~from the previous year multiplied by the total pounds of covered~~
17 ~~televisions recycled by all television manufacturers during the~~
18 ~~previous program year.~~

19 ~~(e)]~~ (a). The department shall develop a consumer education
20 program about the ~~[covered television]~~ electronic device
21 recycling program.



1 [~~(d)~~] (b) Beginning January 1, [~~2011~~] 2023, the
2 department shall display on its website a toll-free number and
3 current information on [~~covered television~~] electronic device
4 recycling locations."

5 SECTION 15. Section 339D-26, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) All [~~covered televisions~~] electronic devices
8 recovered pursuant to this part shall be recycled in a manner
9 that complies with all applicable federal, state, and county
10 laws and requirements."

11 SECTION 16. Section 339D-27, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "~~§~~**339D-27**~~§~~ **State procurement.** All state and county
14 agencies that purchase or lease any [~~covered television~~]
15 electronic device shall require each prospective offeror to
16 certify compliance with this part. Failure to provide
17 certification shall disqualify the prospective offeror."

18 SECTION 17. Chapter 339D, part II, Hawaii Revised
19 Statutes, is repealed.

20 SECTION 18. In codifying the new sections added by section
21 1 of this Act, the revisor of statutes shall substitute

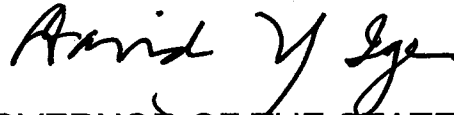


1 appropriate section numbers for the letters used in designating
2 the new sections in this Act.

3 SECTION 19. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 20. This Act shall take effect on July 1, 2022.

APPROVED this 27th day of June , 2022



GOVERNOR OF THE STATE OF HAWAII



HB No. 1640, HD 2, SD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 03, 2022
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2022.



Scott K. Saiki
Speaker
House of Representatives

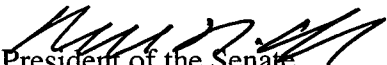



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAI‘I

Date: May 3, 2022
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2022.


President of the Senate


Clerk of the Senate